

DECLARATION OF JAMES GIBBS

In accordance with the provisions of Section 1746 of Title 28, United States Code, I the undersigned James Gibbs, do hereby make the following declaration:

1. I am an Associate Warden with the Federal Bureau of Prisons, Federal Correctional Institution ("FCI"), Fort Dix, New Jersey ("FCI Fort Dix"). I have held this position since February 2, 2020. I am also currently Acting Warden of FCI Fort Dix.

2. According to the FCI Fort Dix's Health Services Administrator ("the Administrator"), the total number of COVID-19 positive inmates at FCI Fort Dix as of January 19, 2021, is 57. Further, FCI Fort Dix began administering the COVID-19 vaccine to staff this afternoon.


3. It is my understanding that the discrepancy between the number of positive FCI Fort Dix COVID-19 inmates posted on the [www.bop.gov](http://www.bop.gov) and FCI Fort Dix's internal reporting number is due primarily to the lag time between when an inmate has "recovered" and when a member of the FCI Fort Dix medical staff with the necessary access enters that information into the Bureau of Prison's ("BOP") Electronic Medical Records ("BEMR") system, which is the source of the reported numbers on the BOP website. There is also a delay between when information is entered into BEMR and when the BOP Central Office staff change the web site information.

4. When an inmate has “recovered” pursuant to CDC Guidelines, the Administrator or one of the two Assistant Health Services Administrators (“the Administrators”) tracks the change from “positive” to “recovered” on a spreadsheet that is used internally at FCI Fort Dix but is not distributed in real-time to the Central Office of the BOP. The Administrators track this information on a daily basis (aside from holidays and weekends). I rely on the Administrators to provide me the accurate daily number of total inmates positive and total inmates recovered. That is FCI Fort Dix’s internal positive reporting number.

5. In addition to the internal tracking spreadsheet, when an inmate recovers from COVID-19, the diagnosis code must be updated by FCI Fort Dix medical personnel on the inmate’s BEMR chart. Specifically, the code is changed from “current” to “resolved.” This diagnosis code is how the BOP Central Office staff obtain the institution’s COVID positive number and reports that number on the BOP web site. As noted above, there is often a delay between the inmate’s change to “resolved” or recovered status, and the date that FCI Fort Dix medical personnel can make an entry into the inmate’s BEMR record. The delay varies based upon, among other things, manpower, amount of entries to be made, and other responsibilities of those making the entries. Prior to the December 2020 outbreak, FCI Fort Dix personnel were timelier in entering the information into the BEMR system since there were less manpower issues based on the low number of positive cases.

6. Positive diagnoses are typically entered into the BEMR system on the date the laboratory test results are received at the institution. Again, if there is a slight delay, it is based on the numerous reasons listed above including manpower and amount of entries to be made.

I declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

  
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James Gibbs  
Acting Warden  
FCI Fort Dix

1-19-21  
Date